

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

IN RE: BLACKBAUD, INC.,
CUSTOMER DATA BREACH
LITIGATION

Case No.: 3:20-mn-02972-JFA

MDL No. 2972

CASE MANAGEMENT ORDER NO. 30

THIS DOCUMENT RELATES TO: ALL ACTIONS

On January 6, 2025, the Court held a case management conference and instructed the Parties to submit a joint proposal addressing the status of Named Plaintiffs' individual claims, proposing Bellwether Plaintiffs and Claims for summary judgment and trial, and recommending a schedule for summary judgment practice on the Bellwether Claims. Based on the Parties' submission, the Court adopts the following procedures and schedule:

1. Lead Plaintiffs:

Plaintiffs Dennis Bishop, Theresa Welsh, Martin Roth, and Shawn Regan no longer intend to pursue their claims asserted in the Amended Consolidated Class Action Complaint ("Amended Complaint") (ECF No. 194). Accordingly, within twenty-one days of this Order, those Plaintiffs shall file voluntary notices of dismissal without prejudice and without costs to any party. At this time, all remaining Lead Plaintiffs intend to continue to pursue all remaining claims asserted by each of them in the Amended Complaint.

2. Non-Lead Plaintiffs:

The cases of any Non-Lead Plaintiffs (*i.e.*, plaintiffs not named in the Amended Complaint) shall remain stayed until further order of this Court following the resolution of Blackbaud's forthcoming motion for summary judgment as to the Bellwether Plaintiffs on the claims identified

in Section 3 of this Order. Currently, no Non-Lead Plaintiff intends to seek dismissal. Within fourteen days of this Order, Plaintiffs shall provide Blackbaud a list of the claims each Non-Lead Plaintiff intends to pursue once the stay is lifted.

3. Bellwether Plaintiffs and Claims:

The Parties propose the following Bellwether Plaintiffs, who will each pursue all their remaining claims asserted in the Amended Complaint as Bellwether Claims:

Plaintiff	Claims
Kassandre Clayton	Negligence; Gross Negligence; Invasion of Privacy; Confidentiality of Medical Information Act (CMIA); California Consumer Privacy Act (CCPA); California Customer Records Act (CCRA); Unfair Competition Law (UCL); California Consumer Legal Remedies Act (CLRA)
Philip Eisen	Negligence; Gross Negligence; Invasion of Privacy; CCPA; CCRA; UCL; CLRA
Mamie Estes	Negligence; Gross Negligence; Invasion of Privacy; CCPA; CCRA; UCL; CLRA
Ralph Peragine	Negligence; Gross Negligence; Invasion of Privacy; New York General Business Law (NY GBL) § 349
Karen Zielinski	Negligence; Gross Negligence; Invasion of Privacy; NY GBL § 349

4. Blackbaud's Motion for Summary Judgment as to the Bellwether Plaintiffs' Claims:

The Parties have informed the Court that Blackbaud intends to move for summary judgment on the Bellwether Claims. The following briefing schedule will apply to Blackbaud's forthcoming motion for summary judgment:

- i. By February 18, 2025, Blackbaud shall file its motion for summary judgment and memorandum in support, which shall not exceed fifty (50) pages absent further Court order.
- ii. By March 17, 2025, Plaintiffs shall file their response in opposition to the motion, which shall not exceed fifty (50) pages absent further Court order.

- iii. By March 31, 2025, Blackbaud shall file its reply in support of its motion, if any, which shall not exceed thirty (30) pages absent further Court order.
- iv. The Court shall hear oral argument on the motion for summary judgment on Monday, April 14, 2025, at 2:00 p.m. One attorney for each of the parties must participate in person at the Matthew J. Perry, Jr. Courthouse at 901 Richland Street, in Columbia, South Carolina. Other attorneys may attend in person or participate virtually.

5. Mediation:

The parties shall mediate on a mutually agreeable date no later than March 31, 2025.

6. Customer Cases:

The cases against Blackbaud's customers that have been consolidated in this MDL – all of which involve Non-Lead Plaintiffs – shall remain stayed until further order of this Court following the resolution of Blackbaud's forthcoming motion for summary judgment. These cases are:

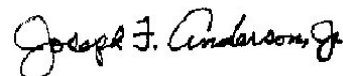
- i. *Daniel Cohen v. Blackbaud, Inc., The President and Fellows of Harvard College, and Bank Street College of Education*, No. 2:20-cv-01388-JCC (W.D. Wash.)
- ii. *Linda Mesa and Robert Caldwell v. Enloe Medical Center and Blackbaud, Inc.*, No. 2:20-cv-02483-JAM-KJN (E.D. Cal.)
- iii. *Jessica Jobe and Ragina Bell v. Community Medical Centers, Blackbaud, Inc., and Does I-100*, No. 2:20-cv-02500-WBS-DB (E.D. Cal.)

7. Scheduling for Next Status Conference

The next status conference will immediately follow the motion hearing on April 14, 2025.

IT IS SO ORDERED.

January 14, 2025
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge